

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

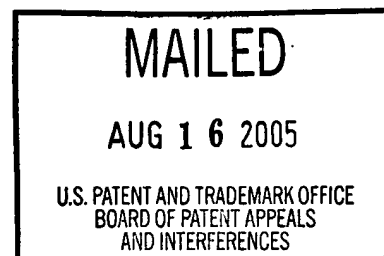
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Ex parte KUO-FEN LEE,  
WYLIE W. VALE,  
TRACY L. BALE, and  
GEORGE W. SMITH

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Appeal No. 2005-1434  
Application No. 09/714,692

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ORDER REMANDING TO THE EXAMINER

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On October 18, 2004, appellants filed an Appeal Brief under the rules set forth in 37 CFR § 1.192(c). On July 7, 2005, appellants submitted an Appeal Brief correcting the Appendices under the rules set forth in 37 CFR § 41.37(c) effective September 13, 2004.

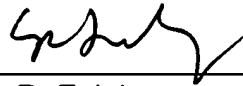
However, the Examiner's Answer filed on January 11, 2005 does not comply with the new rules effective September 13, 2004.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- (1) consider the Appeal Brief, vacate the Examiner's Answer mailed January 11, 2005 and issue a revised Examiner's Answer in compliance with the new rules;
- (2) have a complete copy of any subsequent Examiner's Answer scanned into the record; and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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